

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.19185 OF 2005

DATED:31.8.2005

Between:

Smt. Prabha D.Sha,

W/o.Sri Damodar D. Sha

H.No.1-10-98, Begumpet

Hyderabad, and others

...Petitioners

And

The Commissioner, Municipal Corporation of Hyderabad

Town Planning Section, Secunderabad Zone

Secunderabad and others

...Respondents

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ORDER:

The petitioners are owners of premises bearing No.1-10-98, at Begumpet. First respondent sent a communication to them requesting for cooperation in the road widening programme, as an area admeasuring 249.25 Sq.mts of their property would be affected. They were asked to give their consent for advance possession while informing that compensation would be paid. The petitioners did not give their consent. Apprehending coercive action for demolishing their property, present Writ Petition is filed.

Heard the learned counsel for the petitioners and the learned Standing Counsel for Municipal Corporation of Hyderabad.

The learned Standing Counsel has placed before this Court office file showing that petitioners and others in S.P.Road area did not give their consent for giving advance possession and therefore proceedings under the Land Acquisition Act, 1894 were already initiated. Therefore, the Writ Petition is misconceived. Now that the land acquisition proceedings are initiated, till they are completed, petitioners cannot be deprived of their right to enjoy the property, except in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

31.8.2005

bnr

Note:CC by Monday- 5.9.2005.

(B.O)

bnr